Problems And Solutions

Five years ago, an Iowa Recidivism Study was completed. The most enlightening discovery of that study was that more than 80% of new sex offenses were committed by offenders with a prior non-sexual criminal history. Note this quote from the study:

"While approximately 27 percent of the sample studied had a history of sex-offense convictions, only 3.2 percent were subsequently convicted of new sex offenses. Possible explanations for this finding may include the fact that all offenders had some involvement in the justice system and many were required to attend sex offender treatment, one or both of which may have served to reduce the likelihood of re-involvement. Or, the offender may have been arrested on a sex-offense
charge but pled guilty to a non-sex-offense charge. It is also possible that a number of sex offender previous convictions were situational, in that the offender found himself/herself in a situation unlikely to recur that prompted the offense. Also, some offenders may have continued illicit sexual behavior without being apprehended; sex offenses are notoriously under-reported. It could also be argued that 4.3 years is not enough follow-up time to capture the true picture of recidivism for sex crimes. Another look at this research sample in two to five years is recommended."

Does the State of Iowa have a plan to continue this study as the panel recommended? New York did a short-term study and followed up with a longer term study, and found that the recidivism rates doubled from about 3% to 6% by nine years. That figure pales in comparison with the 80-something percent of persistent recidivism in other criminal activity such as burglary, theft, gang violence, robbery, and assault—even drug offenses—perpetrators of which are highly likely to commit sex offenses during the course of their criminal careers. Many offenses do occur daily in the world of gangs and drugs; the victims of those offenses are not likely to report their victimization, and those victims are subject to much more daily dangerous perpetrators than the ones who commit situational sexual molestation at home. So, who is the real problem? Not registered sex offenders, who are much less likely to reoffend.

The registry is having a beneficial effect in Iowa, when you consider that the more serious offenders recover better lives after prison. Registry ex-felons have significantly less generally criminal and sexual recidivism than misdemeanants. Regardless of that fact, the Jacob Wetterling Act, Megan's Law, and the Pam Lychner Act were intended as tools for reporting information and compiling statistics, not as a justification for more repressive measures against a small segment of the population no longer a real threat. None of the reporting laws were originally intended to provide a tabloid format disseminated worldwide over the Internet in order to satisfy the public's prurient curiosity, or to engender public panic, but to provide useful tools for law enforcement and useful information to citizens and businesses with a need to know. In fact, registry plans that include the intent for retribution and deterrence have already been found to be unconstitutional precisely because those are the key purposes of punishment.

It's time to put aside what feels good, and what looks good on TV, to exercise an honest and responsible effort toward forming a better, safer society.

October 14, 2005

Iowa General Assembly
Legislative Council Members
Interim Study of Sex Offenders

Greetings:

I represent a newly forming non-profit political action organization dedicated to legislative activism and prison reform to better reflect the needs of a better, safer society. All three of the principals in the organization are ex-felons and sex offenders; we are committed to living better, offense-free lives because of what we learned about ourselves and the consequences of our offenses through our various experiences in prison. We are all also active with the Justice Reform Consortium, Iowa CURE, and the national SOhopeful organization. I am also personally active in Vietnam Veterans of America and with the downtown Des Moines Churches United mission, in its veterans outreach, Vets2Work.

It is the position of RARE PEARL that a fundamental change in political and public attitude and perception is necessary to benefit society with the proper approach to the treatment and reintegration of sex offenders into society. A major step in this process, we feel, begins with a paradigm shift in Iowa's governance and corrections treatment concepts. IDOC mandated in 1998 that Mt. Pleasant would have a cognitive-behavioral treatment program in place by 1999. Dr. Longo's resources, some of the best material in the country, are in place there but just because the institution has cognitive-behavioral study material doesn't establish the operation of cognitive-behavioral therapy. In my experience between 2001-2004, the counselors did not believe in the treatment concept, there was no therapy for personal issues, there was no reentry counseling or help of any kind, and the only needs assessment was whether a person could read and write at some minimal level. Counselors treated many offenders with open sarcasm and derision. The polygraph was a game designed to scare people into compliance. The environment was more repressive and emotionally disturbing than any other prison life, including the East wing, instead of being one of encouragement and support. Recently, I learned that the SOTP counselor responsible for most of the program failures and dropouts failed, herself, and was responsible for even more repressive rules for inmates and staff. I venture to postulate that she now has a better understanding of how sex offenses occur. She has not been charged with a Class C felony; she was fired.

A proper and educated approach to the solution of the problem of sexual abuse, along with providing ex-offenders the minimally burdensome opportunity for stability and success in the community, are the keys to a better, safer society. More and more unfair, draconian punishment and ill-considered legislation is not the answer.

Regards,

David E. Spencer, AAGS
RARE PEARL
PO Box 168
Elkhart IA 50073

Requiring **A**dvances in **R**ehabilitating **E**rrants and
Promoting **E**ducation and **A**ctivism to **R**eform **L**egislation

Enc (4)

From The Internet...

The Relationship of Trauma Exposure to Sex Offending Behavior Among Male Juvenile Offenders

Author(s):
Robert A. McMackin, et al.
Source:
Journal of Child Sexual Abuse 11(2): 25-40, 2002
The Relapse Prevention (RP) model is the most common type of treatment used for adult and juvenile sex offenders. With this treatment, sex offenders learn about their offense cycle with an emphasis on recognizing high-risk situations and negative emotional states that can be precursors or triggers to offending behavior. Results of this study, in which the treating clinicians were interviewed, showed that 95% of 40
male juvenile sex offenders who received at least 6 months of RP treatment had experienced a Post Traumatic Stress Disorder (PTSD) traumatic event, and that 65% met criteria for PTSD based on clinical judgments. Overall, clinicians identified prior trauma exposure as being related to the offense triggers in 85% of offenders. Trauma- related feelings identified as offense triggers were: intense fear: 37.5%, helplessness: 55%, and horror: 20%. Implications for treatment are discussed.

The Rape Crisis Hotline says "We must be careful when describing sex offenders as "sick" or "mentally-ill", so as to avoid implying that the offender has an excuse for his behavior."

http://www.rapecrisisonline.com/Offenders.htm

That is true, but just because it may be used as an excuse by the offender, that doesn't mean professionals, victims, offenders and society should ignore any study that could help prevent offenses in the future. It would be a travesty for all—victim, offender, and society—to ignore what works.

If studies find PTSD is a factor, it should be treated, and if PTSD interferes with the cognitive therapy as some studies are finding, it should be treated first to help a successful cognitive approach. How can anyone who wants it to stop object to that? So with that disclaimer:

Post-Traumatic Stress Disorder Treatment – Most ASOTP youth have sexual victimization or exposure to violence in their history and many suffer PTSD symptoms, which can be part of the offender cycle.

http://www.harmonyhillschool.org/sexoffendertreatment.htm

"This study supports and amplifies the existing body of research that has demonstrated an intimate association between the diagnoses of PTSD, dissociation, somatization, and a variety of problems with affect regulation, including difficulties with modulating anger and sexual involvement, as well as aggression against the self and others" (p.89)...

It has not been my clinical experience that sex offenders in treatment try to use their own victimization as an excuse for their deviant behavior. On the contrary, one of the most difficult parts of therapy is breaking down their denial that they were abused or that the abuse damaged them in any way. Studies of abused former delinquents "suggest, if anything, a tendency to minimize, forgive, and forget previously documented abuse" (Swica, Lewis and Lewis, 1996, p.431)

http://www.trowbridgefoundation.org/docs/victim_issues_sex_offender_treatment.htm

Health & Science

The Science of Sex Abuse

Take a listen to a non-sound bite analysis. It is well worth the 30 minutes or so.

Talk of the Nation, May 13, 2005 · the news seems to be filled with disturbing stories of sexual abuse. Is sexual abuse a mental illness, a criminal behavior, or both? And does treatment for the perpetrators work?

http://www.npr.org/templates/story/story.php?storyId=4651059

Regardless of what TV drama makes of the danger of sex offenders, a proper and reasonable approach to the problem of sexual abuse in Iowa must be one that reflects the best interest of a better, safer society. Iowa's present course is only a politically expedient one that neither protects the public nor repairs any harm.

Note the words of the originator of the Iowa DOC's Sex Offender Treatment Program, Dr. Robert E. Longo, in "Revisiting Megan's Law And Sex Offender Registration: Prevention or Problem?" "Sensationalized cases, such as the rape and murder of seven-year-old Megan Kanka of Hamilton, New Jersey, have shocked and angered our society. The public is rightfully outraged at the nation's level of crime, particularly sexual crimes. Unfortunately, the public response is often more emotional than logical. The actions of citizens are often the result of mismanaged emotions. During the 1990s, many legislative actions regarding sex offenders appeared to result from emotional public response to violent crime rather than from research showing that these laws will make any difference in correcting the problem and reducing crime. The laws sound and feel good when they are passed, but they may give citizens a false sense of security. Public notification of sex offender release, Megan's Law, is one example of what I call "feel-good legislation" that has led to worse conditions rather than the betterment or safety of society... Portions of the Jacob Wetterling Act, including Megan's Law, are examples of legislation that was passed quickly, without securing public opinion through polls or community meetings. Necessary, detailed research was not conducted into the cost involved, the resources necessary to implement the laws, and the potential impact on law-abiding citizens. Professionals working with and treating sexual abusers and the national organizations that focus on sexual aggression (i.e., The Association for the Treatment of Sexual Abusers, The National Adolescent Perpetrator Network, The American Professional Society on the Abuse of Children) were not contacted or asked for input into these laws."

The same can be said of the Iowa approach to the problem of sexual abuse. In the aftermath of the terrible case of Jetseta Gage, our legislative leadership has abandoned its responsibility to the general welfare, and has neglected a good opportunity to legislate a real and restorative solution to the problem of sexual abuse in Iowa in order to guarantee its re-election by looking good on TV. We think Iowa society deserves better.

Please note this excerpt from an activist's address to the New York State Legislature during the course of deliberations there:
"...(E)ffective laws and policies cannot be based on myth or hysteria. They must above all else be based on reality and deal with facts as they are... that the vast majority of convicted sex offenders do not re-offend. This was noted in a 2003 U.S. Department of Justice study, the largest recidivism study ever conducted in the United States. Of the 9,691 male sex offenders released from prisons in 15 States in 1994, only 5.3% were rearrested and only 3.5% were convicted of a new sex crime within 3 years of their release.

The same is borne out in studies by the State of New York Department of Correctional Services. Between 1985 and 1999 a total of 9,980 sex offenders were released from New York State prisons. Only 225 of these (2.25%) were returned to prison for new sex crimes within three years of their release. Another study done by the New York Department of Corrections followed a group of sex offenders for nine years after their release from prison. This study found that the rate of return to prison for committing a new sex crime within that period was 6%.

I want to call your attention to one finding in particular in the already mentioned U. S. Department of Justice study. It found that because of the relative size of the two groups, the vast majority (87%) of new sex crimes actually were committed by ex-convicts who were not sex offenders. When you consider the number of sex offenses committed by those who have never been arrested or convicted of a crime, the proportion of new sex offenses committed by registered sex offenders is even lower.

We need to resist the increasing tendency to treat all sex offenders alike... One who disagrees with this approach is Patty Wetterling. In 1989, her son Jacob was kidnapped and never seen

again. Patty was instrumental in the 1994 passage of the Jacob Wetterling Act, which required the states to establish sex offender registries. She recently said: "The challenge is, you can't treat all sex offenders the same; they're not." To list even non-violent, low risk offenders on a public registry... is to make it more difficult to identify the truly dangerous offenders.

I also want to advocate for stability. Experts have said that one of the most important factors in preventing recidivism of offenders is a stable home, job, family and social support. I would add to that stability in the law. Imagine a Level 2 offender who has been living an offense free life for the past nine years. He has a home, a good job, a family that loves and cares for him. He has rebuilt his life and become a productive member of society. With the passage of a new law that places his name, home address, employer's address, etc. on the Internet, all of that is threatened. Is this how we want to reward nine years of good behavior? To turn a rehabilitated former offender's life upside down has effects not only upon the offender. It may very well increase the danger to the public rather than lessen it."

Those statistics from New York are very comparable to the most recently available numbers in the Iowa record. Most notably, his argument for New York is the same one we promote for Iowa.

The previous version of Alaska's registration and notification law was found to be unconstitutional because of similar requirements that have now become Iowa policy. During the course of the past couple of years, Iowa dropped a risk assessment protocol to make all sex offenders fit the same public threat, which was unrealistic, to say the least, and now we will have risk assessment again, apparently in order to be tougher on sex offenders rather than to promote a better, safer society. Just a year ago, the 2,000-foot law was scrapped because no one thinking logically was interested in enforcing such a thing, but in a show of public outrage by lawmakers, it was revived, no matter whether it makes real sense to Iowa citizens, to many local officials, or even to the original sponsor of the law!

We believe consequences for wrong behavior are necessary. We believe the public needs recourse against violent and immoral acts. But we also believe the law and the corrections experience should reflect a constancy of legislative purpose and an educated, purposeful approach to the solution of Iowa's sexual abuse problem founded on proven clinical expertise and viable legal standards. We believe restorative justice is better than tougher justice in order to promote a better, safer society.

--Dave Spencer, AAGS
--James Hakeman
--Steve Linn

Dep't. Of Justice/Office of Justice Programs; Center For Sex Offender Management (2002):
Managing Sex Offenders In the Community (handbook for policymakers)

Specialized Sex Offender Treatment

Specialized treatment is a critical component of any jurisdiction's approach to sex offender management and is markedly different from traditional mental health counseling or psychotherapy in a number of significant ways:

- The primary focus is the protection of past and potential victims and the community.
- Information discussed in treatment sessions is shared with supervision

agents, polygraph examiners, and others as necessary.

• Considerable attention is directed toward making offenders understand the harm they have caused their victim(s).

• Thinking errors that contribute to offending patterns are revealed, examined, and challenged.

• Offenders participate in professionally facilitated group sessions in which they challenge one another about their denial, distortions, and manipulation.

Sex offender treatment programs that include a relapse prevention component and cognitive-behavioral techniques and that tailor their treatment responses to meet the varying, diverse, and complex needs of sex offenders have the greatest chance to reduce both sexual and general recidivism. Treatment programs should also include other adjunctive components such as marital and family therapy, substance abuse treatment, educational and vocational supports, medication when needed, and individual therapy to address sex offenders' other problems and issues.

Regarding the Treatment Of Sex Offenders

Our argument necessarily begins with this quote from *McKune v. Lile* (2002), Justice Stevens, J. dissenting, regarding the rights of prison inmates:

"The State's interests in law enforcement and rehabilitation are present in every criminal case. If
those interests were sufficient to justify impinging on prisoners' Fifth Amendment right, inmates would soon have no privilege left to invoke.

The plurality's willingness to sacrifice prisoners' Fifth Amendment rights is also unwarranted because available alternatives would allow the State to achieve the same objectives without impinging on inmates' privilege. *Turner* v. *Safley*, 482 U. S. 78, 93 (1987). The most obvious alternative is to grant participants use immunity. See *Murphy*, 465 U. S., at 436, n. 7 ("[A] State may validly insist on answers to even incriminating questions . . . as long as it recognizes that the required answers may not be used in a criminal proceeding and thus eliminates the threat of incrimination"); *Baxter*, 425 U. S., at 318 ("Had the State desired Palmigiano's testimony over his Fifth Amendment objection, we can but assume that it would have extended whatever use immunity is required by the Federal Constitution"). Petitioners have not provided any evidence that

the program's therapeutic aims could not be served equally well by granting use immunity. Participants would still obtain all the therapeutic benefits of accepting responsibility and admitting past misconduct; they simply would not incriminate themselves in the process. At least one State already offers such protection, see Ky. Rev. Stat. Ann. §197.440 (2001) ("Communications made in the application for or in the course of a sexual offender's diagnosis and treatment . . . shall be privileged from disclosure in any civil or criminal proceeding"), and there is no indication that its choice is incompatible with rehabilitation. In fact, the program's rehabilitative goals would likely be furthered by ensuring free and open discussion without the threat of prosecution looming over participants' therapy sessions.

The plurality contends that requiring immunity will undermine the therapeutic goals of the program because once "inmates know society will not punish them for their past offenses, they may be left with the false impression that society does not consider those crimes to be serious ones." *Ante*, at 7. See also Brief for 18 States as *Amici Curiae* 11 ("By subjecting offenders to prosecution for newly revealed offenses, and by adhering to its chosen policy of mandatory reporting for cases of suspected child sexual abuse, Kansas reinforces the sensible notion that wrongdoing carries consequences"). The idea that an inmate who is confined to prison for almost 20 years for an offense could be left with the impression that his crimes are not serious or that wrongdoing does not carry consequences is absurd. Moreover, the argument starts from a false premise. Granting use immunity does not preclude prosecution; it merely prevents the State from using an inmate's own words, and the fruits thereof, against him in a subsequent prosecution. *New Jersey* v. *Portash,* 440 U. S. 450, 457–458 (1979). The plurality's concern might be justified if the State were required to grant *transactional* immunity, but we have made clear since *Kastigar* that use immunity is sufficient to alleviate a potential Fifth Amendment violation, 406 U. S., at 453. Nor is a State *required* to grant use immunity in order to have a sex offender treatment program that involves admission of responsibility...

The United States points out that an inmate's participation in the sexual offender treatment program operated by the Federal Bureau of Prisons is entirely voluntary. "No loss of institutional privileges flows from an inmate's decision not to participate in the program."[12]

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[12]Brief for United States as *Amicus Curiae* 27. Because of this material difference between the Kansas and federal programs, recognizing the compulsion in this case would not cast any doubt on the validity of voluntary programs. The plurality asserts that "the federal program is different from Kansas' SATP only in that it does not require inmates to sacrifice privileges *besides housing* as a consequence of nonparticipation." *Ante*, at 18 (emphasis added). This statement is inaccurate because, as the quote in the text reveals, *no* loss of privileges follows from the decision not to participate in the federal program.

If an inmate chooses to participate in the federal program, he will be transferred from his "parent facility" to a "more desirable" prison, but if he refuses to participate in the first place, as respondent attempted to do, he suffers no negative consequences. Tr. of Oral Arg. 21–22. Although the inmates in the federal program are not granted use immunity, they are not compelled to participate. Indeed, there is reason to believe successful rehabilitation is more likely for voluntary participants than for those who are compelled to accept treatment. See Abel, Mittelman, Becker, Rathner & Rouleau, Predicting Child Molesters' Response to Treatment..."
(From the Annals of New York Academy of Sciences, 1988)

Justice Stevens was not the only dissenter in this case. His opinion, however, exposed the obvious difference in the plurality of the justices who were apparently making the Constitution fit into their response to their perception of public fear of sex offenders. Instead of objectively looking at the issue from a Constitutional perspective, they even went so far as to bend the words of precedent to their purpose, much as the State of Iowa has done in its rush to punish sexual abuse with ever more penalties instead of taking the high road to finding a real, workable, and meaningful solution to the problem. Instead of addressing the root causes and providing assistance and recovery programs for victims as well as community therapy for offenders and at-risk individuals, the State is subjectively reacting to the symptoms of a dysfunction prevalent in the history of our society. It is simply indulging in the politically expedient and publicly gratifying behavior of severely punishing those offenders caught in the act. Many of them don't enjoy equal protection under the law, or the right to a competent defense, while some guilty offenders, high-profile public officials, get special treatment because it helps protect the integrity of the public office they happen to hold.

It seems sensible that the State of Iowa would consider the federal standard in its treatment of sex offenders at Mt. Pleasant Correctional Facility, since the federal government's approach is highly considerate of the best expertise in the legal and clinical fields. We would assume the federal government's approach is a Constitutionally and clinically valid model; from appearances, at least, it is an approach designed to adequately protect the public interest while providing the best environment and treatment modalities possible for the benefit of offenders, and thus, society.

A quote from a recent Department Of Justice study on the treatment needs of sex offenders illustrates what the Federal Bureau of Prisons standards are, in considering treatment of sex offenders:
"Sex offender treatment programs that include a relapse prevention component and cognitive-behavioral techniques and that tailor their treatment responses to meet the varying, diverse, and complex needs of sex offenders have the greatest chance to reduce both sexual and general recidivism. Treatment programs should also include other adjunctive components such as marital and family therapy, substance abuse treatment, educational and vocational supports, medication when needed, and individual therapy to address sex offenders' other problems and issues."

Iowa's approach is simply punitive, taking little thought to genuine prevention therapy, taking advantage of the therapeutic state to garner information and confessions useful in further prosecution—notably, for civil commitment proceedings. Prison officials have corrupted the intent of the DOC mandate for cognitive-behavioral therapy and relapse prevention by their failure to provide genuine assessment and therapy for offenders' troubles. Instead, the only distinction for treatment modality is whether the inmate's communication skills are adequate or the offender is developmentally disabled. Inmates have been told in no uncertain terms that if they need to address specific problems, they must do that after prison discharge, because they are only there for the victims' benefit.

While the "official" DOC position is that the SOTP is voluntary, the Iowa program is compulsory because failure to enroll or to finish is punished by removal to a maximum-security setting and the loss of 90 days of "good time". While Dr. Rob Longo's material is used, which is one of the best approaches in the nation, the practice of DOC SOTP treatment staff best fits the description of "sex offense-specific" treatment, which is the effective opposite of cognitive-behavioral therapy. If a person is not adequately meeting the counselors' expectations, he gets punished with temporary removal to the general population wing, which is supposed to scare him into compliance. It is our contention because of personal experience that the polygraph examination is a farce, and is used to play head games with offenders mostly to intimidate them into compliance with the State's agenda.

We believe a fundamental paradigm shift in the public and political approach to sex abuse is

necessary. The State's agenda to reap political profit from a serious social ill is wrong, and public hysterics about registered sex offenders is unjustified and harmful. National studies and statistics from New York that fairly mirror Iowa's numbers indicate that people who were *not* already convicted sex offenders commit a *vast majority* of the new sex crimes. Florida, which also has restrictive measures against sex offenders, is beginning to discover things such as the fact that *there is no correlation between a registered offender's address and the commission of new crimes* (this is also borne out in the recent case of abduction and abuse in the downtown Des Moines library). In several major US cities, the problem of gang violence has been reduced by as much as 25% by restricting where convicted gang leaders can hang out or live, but in that case, which involves highly recidivist individuals who daily perpetrate intimidation and violence against people, a major constitutional case is brewing. On the other hand, draconian sex offender restrictions are all deemed constitutionally necessary for the public protection from people with a recidivism rate in Iowa of less than 5%.

We believe adding punishment to punishment for sex offenders creates unnecessary fear and dysfunction in society. Enacting law based on proven legal and clinical assertions that protects and helps restore victims while it provides opportunity for ex-felons to successfully reintegrate into society and promotes offenders' opportunity for inclusion, stability, and success will help create a better, safer society of responsible and honorable citizens.

--**Dave Spencer**, AAGS
--**James Hakeman**

Requiring Advances in Rehabilitating Errants and
Promoting Education and Activism to Reform Legislation

RARE PEARL
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Can Sex Offender Laws Help Curb Violent Crime?

Three new provisions of law will affect released sex offenders. The 2,000-foot law will restrict where they can live, tracking devices will follow their every move, and there will be the penalty of life for every repeat offense. If rules like that can deter sexual abuse, most importantly repeat offenses, why would they not work against the violent crimes that affect many more of us every day? That is a question.

The political leadership of the State of Iowa expects us to believe the new sex offender provisions will make a better, safer society. Issues relevant to this controversy are apparent in new policy being carried out against gang violence in Chicago, San Antonio, El Paso, and Los Angeles. According to a recent USA Today article excerpt, the solution for at least one element of dangerous criminal activity—gang violence—is in a unique plea bargain concept that forbids gang leaders from returning to old turf upon release which has resulted in a 25% decline in serious gang violence in Chicago. That certainly seems like the hopeful intent of the Iowa 2,000-foot law and tracking devices for sex offenders. Unfortunately, there is controversy in the idea as well:

(Chicago) Defense lawyers and civil rights advocates complain that parole restrictions on gang leaders violate the convicts' right to associate with their families and friends. They say the restrictions can make it particularly difficult for the felons to find work, which usually is another requirement of parole.

"The whole thing is 100% unconstitutional," says Sam Adam, a lawyer for Darren Jones, 34, a gang leader who accepted a non-negotiable release offer from the Illinois review board.

Jones agreed to stay away from his home turf on Chicago's West Side when he was freed from prison in January.

Adam says Jones — who wound up violating the agreement and is back in prison, serving the remaining 13 years of his original 25-year sentence for drug trafficking — had three children who lived in the area he was banned from visiting.

"How can you tell a man he can't go home and visit his kids?" Adam asks.

Chicago's policy hasn't been challenged in court, but Adam says he would have done so if Jones could have afforded it.

"I wish Darren had asked us to go forward," Adam says. "We had everything all lined up. We were ready to go."

Jorge Montes, chairman of the Illinois Prisoner Review Board, says the territorial restrictions are reserved for a small number of gang leaders who authorities suspect could pose a threat to public safety.

So, a constitutional argument for a 2,000-foot law for sex offenders can be completely ignored because the law is to protect the public interest, but that argument is boldly made and considered in defense of a very dangerous and persistent violent crime?

Besides, the Iowa 2,000-foot law doesn't say sex offenders can't *enter* within that distance of a school or whatever, it just says they can't *live* there. So if someone's family lives across the street from a school, the person can visit there all day while the children are in school, but can't stay there at night when all the children are gone. That doesn't seem to make a lot of sense, for the cost of enforcing such an ill-considered proposition.

Tracking devices on people make about the same sense, with the price the public will pay for the false sense of security the law gives; it's not as if someone who goes into a certain place will immediately be stopped, or everyone will suddenly be aware of the presence of potential danger. And what about the potential cost of the inevitable litigation over constitutional issues? Tracking devices *will not keep someone from committing an offense in their own home*, no matter where they live, which also justifies the argument against the 2,000-foot law. But *tracking other violent criminals could very well deter or help capture them.* Conversely, most sex offenders would likely honor the devices' intent, while more generally criminal offenders might likely ditch the devices and end up in jail or prison for violating that law, one practical argument for not using them for anybody without risking yet another source of judicial system overload and unnecessary prison overcrowding.

Iowa Code Chapter 229A, the sex offender civil commitment code, refers to a "small, but extremely dangerous" group of offenders. The unique policy on violence would affirm national experts who assert that a large amount of violence is committed by a small group of persistent miscreants, which is why the new deals in the major metros are targeted at the leaders, rather than all the followers, of gang violence. There would be little opposition to using any or all of these extreme measures against the small percentage of truly violent, dangerous, persistent sex offenders in Iowa society. Notably, those people could and should already be identified in the system and placed in civil commitment before they get released to the public. Why should we need costly, politically expedient new laws when we don't properly exercise the protective measures that have been law and policy since 1998?

Why are we so focused only on a small segment of "violent" crime (with such low recidivism) when it seems we virtually ignore much other dangerous, highly recidivist daily violence which the new sex offender provisions would likely control better than sex offenses? Restricting where people live won't solve sexual abuse. Tracking devices won't keep abuse from happening at home. Mandatory life for repeat sex offenses goes beyond what fits the crime in at least 90% of all cases. But, if there is truly the perception among legislators that these new provisions of law will deter crimes, then why not make a truly "tough on crime" stand against *violent crime in general*? Is it possibly because such severe action would deter so much crime that it would threaten the perpetuation of the criminal justice bureaucracy? Tough action against sex offenders gratifies the public, but leaving the status quo alone in other areas guarantees the need for tough talking politicians and their attendant bureaucracies well into the future. That kind of policy is a travesty of justice, and it neither promotes the general welfare nor secures blessings of liberty for anyone in the State of Iowa. It's just wrong.